Remarks

Claims 1-22 are pending in the application, and all have been rejected. Favorable reconsideration is respectfully requested in view of the following remarks.

Claim 15 has been amended above to correct a minor informality therein. The amendment in no way narrows the claim scope.

Claims 1-4, 7, 8, 10-16, 18, 19, 21 and 22 were rejected under 35 USC 102(b) as being anticipated by Harlow et al. (Harlow) (U.S. Patent No. 5,206,901).

To anticipate a claim under § 102, a single prior art reference must identically disclose each and every claim element. See Lindeman Machinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claimed element is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997). In view of the foregoing authority, the Applicant respectfully submits that the cited reference fails to support the asserted rejection.

Claim 1 recites a method that includes receiving a call to a subscriber's fixed-site device, determining that a busy/no-answer condition exists for the fixed-site device, consulting a call forward setting for the subscriber, and forwarding the call to a mobility device based on the call forward setting. Independent claim 8 sets forth substantially the same process, except that the call is received by the mobility device and forwarded to the fixed-site device.

Independent claim 13 is directed to a medium storing instructions for implementing substantially the same method as recited in claim 1. Similarly, independent claim 15 (as amended) is directed to a medium storing instructions for implementing substantially the same method as recited in claim 8.

Independent claims 18 and 19 are apparatus claims including substantially the same recitations as claims 1 and 8, respectively.

Finally, independent claim 21 relates to an apparatus having a memory including a subscriber profile used in forming a routing instruction for an incoming call.

In consideration of the above, Harlow does not anticipate the invention as claimed for at least the reason that Harlow does not disclose forwarding a call from a first device that is either busy or does not answer, to a second device, based on a subscriber's call forward setting or profile, as required by each of independent claims 1, 8, 13, 15, 18 and 19. Nor does Harlow disclose using a subscriber profile to form a routing instruction as required by independent claim 21.

Instead, Harlow describes fundamentally different functionality. In Harlow, a call is not forwarded from a first device in a busy/no-answer condition to a second device in accordance with a subscriber's profile. Rather, in Harlow, the objective is to cause *all* of a plurality of telephones associated with a particular directory number to ring when the number is dialed (see, e.g., col. 2, lines 26-27; col. 3, lines 6-7; col. 4, lines 41-60). Where, for example, the Examiner alleges that Harlow discloses consulting a call forward setting according to the present invention (Harlow, col. 4, lines 52-54), what is actually being described is retrieving all the numbers for the plurality of telephones associated with the particular directory number. Further, where the Examiner alleges that Harlow discloses call forwarding as in the present invention (Harlow, col. 5, lines 43-48), what is actually being described is testing for which of the plurality of telephones is idle, so that they can be caused to ring.

Thus, it is clear that Harlow does not anticipate the independent claims of the present application. Moreover, since the dependent claims incorporate the recitations of the independent claims, the dependent claims are allowable over Harlow for at least the reasons discussed in connection with the independent claims. Accordingly, withdrawal of the rejection of claims 1-4, 7, 8, 10-16, 18, 19, 21 and 22 as anticipated by Harlow is respectfully requested.

Claims 5, 6, 9, 17 and 20 were rejected under 35 USC 103(a) as being unpatentable over Harlow. To establish a prima facie case of obviousness under § 103, all claim limitations of a claimed invention must be taught or suggested by the prior art. See MPEP, § 2143.03 and *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). In view of the foregoing authority, Harlow fails to support the asserted rejection. Along lines discussed earlier, each of dependent claims 5, 6, 9, 17 and 20 incorporates features of the independent claims demonstrated to be absent from

Harlow. Thus, claims 5, 6, 9, 17 and 20 are allowable over Harlow for at least the reasons discussed in connection with the independent claims. Accordingly, withdrawal of the rejection of claims 5, 6, 9, 17 and 20 as unpatentable over Harlow is respectfully requested.

In light of the foregoing discussion, the Applicant respectfully submits that the present application is in all aspects in allowable condition, and earnestly solicits favorable reconsideration and early issuance of a Notice of Allowance.

The Examiner is invited to contact the undersigned at (202) 220-4323 to discuss any matter concerning this application. The Office is authorized to charge any fees under 37 C.F.R. 1.16 or 1.17 related to this communication to Deposit Account No. 11-0600.

Respectfully submitted,

Dated: 11/4/02   By: _____

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VERSION OF AMENDMENTS MARKED UP TO SHOW CHANGES MADE

In the claims:

Please amend claim 15 as follows:

15. (Amended) A medium storing instructions adapted to be executed by a processor to perform steps including:

receiving an incoming call directed to a mobility device belonging to the subscriber, the mobility device being identified by a mobility Directory Number, which is one of a plurality of Directory Numbers that belong to the subscriber;

determining that the mobility device is either busy, or that there is no answer at the mobility device; and

forwarding the incoming call to a subscriber [mobility] fixed-site device based upon information in a subscriber profile.